

Order

Michigan Supreme Court
Lansing, Michigan

January 13, 2006

Clifford W. Taylor,
Chief Justice

129038

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 129038
COA: 252516
Kent CC: 02-000104-FH

ANGEL HERNANDEZ-GARCIA,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the May 10, 2005, judgment of the Court of Appeals is considered, and it is GRANTED. The parties are directed to include among the issues briefed the possible relevance of the *mens rea* principle recognized in *People v Tombs*, 472 Mich 446, 454-459 (2005), to the claim that MCL 750.227(2) should be interpreted to include a momentary innocent possession defense.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 13, 2006

Corbin R. Davis

Clerk